

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

ROMERO-PEREZ,

Plaintiff

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

CIVIL. NO. 11-1889 (JAG)

MEMORANDUM & ORDER

GARCIA-GREGORY, D.J.

Plaintiff Benny Romero-Perez asks this court to review the decision of the Commissioner of Social Security denying her application for disability benefits. (Docket No. 1). In particular, Plaintiff complains that at a hearing on her application, the ALJ posed questions to the vocational expert that did not adequately describe his medical conditions and the significant limitations they placed upon him.

The Commissioner now asks for remand pursuant to 42 U.S.C. § 405(g). This statute permits a court to enter, "upon the pleadings and transcript of record, a judgment affirming, modifying, or reversing the decision of the [Commissioner], with or without remanding the cause for rehearing." The Commissioner seeks remand because he has identified various problems with the

earlier proceedings – those that Plaintiff raises, and others dealing with the ALJ's failure to fully consider the medical opinions of Plaintiff's treating physicians. To this end, the Commissioner asks that we reverse the decision below and remand the matter for a *de novo* hearing.

We agree with the Commissioner that the ALJ's decision did not fully comply with the law. Therefore, we REVERSE the decision of the ALJ and REMAND this matter for a *de novo* hearing consistent with this opinion. Judgment will be entered accordingly.

IT IS SO ORDERED.

In San Juan, Puerto Rico, this 4th day of April, 2013.

S/ Jay A. Garcia-Gregory
JAY A. GARCIA-GREGORY
United States District Judge